



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SLR:SDE:KMA; 2019V02266

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November 6, 2020

BY ECF

Honorable Peggy Kuo
United State Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *J.B. v. United States of America, et al.*,
Civil Action No. 19-03924 (KAM)(PK)

Dear Judge Kuo:

This letter is respectfully submitted on behalf of Defendants United States of America, Joseph Norwood, Kimberly Ask Carlson, Herman Quay, Tomas Rodriguez, D'Anello Smith, Andy Cruz, and Jermaine Darden ("the Government Defendants") in this action pursuant to the Federal Torts Claims Act, 28 U.S.C. §§ 1346(b)(1) and 2671 *et seq.*, and *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). On September 24, 2020, Your Honor directed counsel for the Government Defendants to file a status report detailing the measures being taken by the Federal Bureau of Prisons ("BOP") to locate and produce the outstanding responsive documents.

As of this date, Government Defendants do not owe any outstanding documents to Plaintiff or any other party who has appeared in this action.

Government Defendants fully responded to Plaintiff's First Requests for Production of Documents received in December 2019.¹ Following entry of the Stipulation and Order for the Protection of Materials and Information on February 26, 2020, Defendant United States of America's Responses to Plaintiff's First Requests for Production of Documents to the United States of America were served on Plaintiff and Defendant Eugenio Perez on February 28, 2020. The responses included all responsive documents in the possession, custody or control of the BOP. The responses stated that personal identifying and similar personal information of non-

¹ At that time, only the United States had been served.

parties was redacted; Plaintiff's pre-sentence report (a court document) and medical records of another inmate were withheld. Defendant United States stated that it had not withheld documents based on its objections except for the withholdings and redactions identified in this response.

Earlier this week, on November 2, 2020, Plaintiff served a document captioned "Plaintiff's First Set of Interrogatories and Requests for Production of Documents." Government Defendants' time to respond to these discovery demands has not yet expired.

Defendant Perez has not served any discovery demands on the Government Defendants.

Thank you for Your Honor's consideration of this submission.

Respectfully submitted,

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Joseph Norwood, Kimberly Ask Carlson,
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